

REMARKS

Claims 7-13 are currently pending. Claims 7 and 11 are amended. No new matter is presented. In view of the above amendments and the following remarks, Applicants request the favorable consideration and allowance of claims 7-13.

Rejection pursuant to 35 U.S.C. § 102

The Examiner rejects claims 7-13 under 35 U.S.C. 102(a) as being anticipated by Sinclair et al. (U.S. PGPU 2002/0052551). Applicants respectfully traverse the rejection.

Sinclair teaches a centralized database (“CDB”) of “all patient images, reports, demographic data, and other identifying information.” (Sinclair ¶24.) The database permits one to view “the progress or regression of a patient’s retinopathy ... at the individual lesion level.” (*Id.*) The database can also provide “information on retinopathies in the general population.” (*Id.* ¶25.) Thus, Sinclair teaches a database in which a user can search the history of a specific patient’s retinopathy, or search for images with the same or a similar diagnosis.

Amended claims 7 and 11 specify that “the contextual information is drawn from the settings of the fundus camera, manual annotations associated with the recorded fundus images, patient-specific information, and image contents.” Claims 7 and 11 require analyzing images according to such contextual information. By this analysis, the invention searches for images having extensive agreement in contextual information.

Sinclair does not disclose analyzing images according to contextual information. For example, Sinclair does not discuss analyzing “settings of the fundus camera” or “manual annotations associated with the recorded fundus images.” Rather, Sinclair teaches finding images based on patient identity or general diagnosis.

This is a significant difference. If an image’s diagnosis is unclear, the claimed invention could still link the image to images with similar contextual information. By

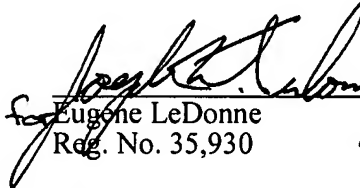
contrast, Sinclair's method requires a diagnosis of the image data. The claimed invention dispenses with such a diagnosis on the part of an operator.

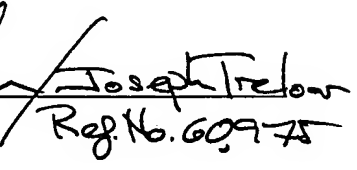
Regarding the similarity analysis, the Examiner cited paragraph [0072] of Sinclair. (See Office Action at 4). Paragraph [0072] discloses that corresponding previous retinal images are selected for comparison of the images which are recorded with the fundus camera, analyzed, and classed to analyze the progression or regression of injuries. This assumes, however, that the images selected for comparison are images of the *same eye*. The selection is accordingly not carried out by a similarity analysis.

For the above reasons, Applicants respectfully submit that Sinclair does not disclose all the claimed features of independent claims 7 and 11, or of dependent claims 8-10 and 12-13. Thus, Applicant respectfully requests the withdrawal of the rejection.

In view of the above amendments and remarks, it is respectfully submitted that the claims now clearly recite the patentable features of the present invention. Accordingly, reconsideration and withdrawal of the outstanding rejections and an issuance of a Notice of Allowance is respectfully requested. Should the Examiner feel that a telephone conference with Applicant's attorney would expedite the prosecution of this application, the Examiner is urged to contact him at the number indicated below.

Respectfully submitted,


Eugene LeDonne
Reg. No. 35,930


Joseph Trelor
Reg. No. 60,975

REED SMITH LLP
599 Lexington Avenue
29th Floor
New York, NY 10022
(P) 212-521-5400

Attorney for Applicant